

# Order

Michigan Supreme Court  
Lansing, Michigan

March 12, 2010

Marilyn Kelly,  
Chief Justice

139664

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 139664  
COA: 282690  
St. Joseph CC: 07-014245-FC

DANNIE GAYHEART,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the July 30, 2009 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(H)(1). We ORDER the St. Joseph Circuit Court, in accordance with Administrative Order 2003-03, to promptly determine whether the defendant is indigent and, if so, to immediately appoint P.E. Bennett, if feasible, to represent the defendant in this Court. If this appointment is not feasible, the trial court shall, within the same time frame, appoint other counsel to represent the defendant in this Court. At oral argument, the parties shall address whether the defendant preserved the issue regarding jurisdiction, in light of the proceedings in the trial court on October 11, 2007, during which the defendant, in the presence of his counsel, agreed to the jurisdiction of the trial court to hear this case. The parties may file supplemental briefs within 42 days of the appointment of appellate defense counsel, but they should not submit mere restatements of their application papers.



s0309

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 12, 2010

*Corbin R. Davis*

Clerk